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February 14, 2007

John R. Elrod, Esq.
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VIA ELECTRONIC MAIL

Re: *State of Oklahoma v. Tyson Foods, et al.*, U.S. District Court for the Northern District of Oklahoma Case No. 4:05-cv-00329-TCK-SAJ

Dear John:

In compliance with the Court's order of January 5, 2007, we are writing to inform you that the materials produced to the Poultry Integrator Defendants as a part of the State's voluntary offer and the Court's subsequent order do not directly respond to the interrogatories and request for production of documents which were at issue before the Court. Therefore, the State will not supplement its previous objections and responses at this time.

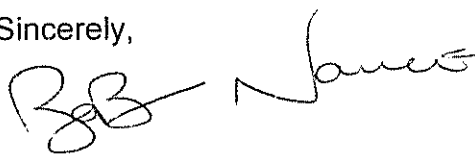
While the sampling data provided to the Poultry Integrator Defendants may be helpful to them in determining issues raised by Simmons, such as annual P and N loading to Lake Tenkiller, the amount of loading from Simmons or its growers, and how the State knows such loading, this raw data, without additional expert interpretation or modeling, cannot answer the questions Simmons has posed. The development of the State's case may not ever determine the answers to all of these interrogatories. However, at present the State's expert consultants have not completed their analysis of this data. To the extent that the State determines it will use evidence responsive to these interrogatories in its case, we will supplement our interrogatory responses at an appropriate time, or make appropriate disclosures in our expert witness reports.

Simmons request for production of documents asked for documents supporting the responses to Interrogatories 1-4. The State has provided, and will continue to provide, documents generally pertinent to N and P loading in its earlier rolling production of documents, and its current on-site agency document productions.

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Nothing provided in the State's most recent production last week pertains to Simmons' Interrogatory No. 5 dealing with the identity of persons suffering adverse health effects from the application of poultry litter. Therefore, the State will not supplement its response to this interrogatory at this time.

Sincerely,

A handwritten signature in black ink, appearing to read "Bob Nance". The signature is written in a cursive, somewhat stylized font.

Robert A. Nance
FOR THE FIRM